

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE WAWA, INC. DATA SECURITY
LITIGATION**

Case No. 19-6019-GEKP

Class Action

This document relates to: Consumer Track

**DECLARATION OF TIMOTHY O'BRIEN IN SUPPORT OF UNOPPOSED MOTION
FOR AN ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT,
PROVISIONALLY CERTIFYING SETTLEMENT CLASS, AND DIRECTING NOTICE
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, Timothy O'Brien, hereby affirm, under penalty of perjury, that I am over 18 years of age and am competent to make the following declaration:

I am the Director of Planning and Analysis at Wawa, Inc. ("Wawa"). I submit this declaration in support of the Consumer Plaintiffs' Unopposed Motion for an Order Preliminarily Approving Class Action Settlement, Provisionally Certifying Settlement Class, and Directing Notice. I have personal knowledge of the matters set forth below, and if called as a witness, I could and would testify to each of them under oath.

1. As the Director of Planning and Analysis at Wawa, I am familiar with the number of customer transactions that occur at Wawa retail locations each month.

2. Between January 1, 2021 and January 31, 2021, there were 46,628,733 customer transactions inside Wawa stores and 18,258,920 customer transactions at Wawa fuel pumps. These numbers include all payment types – cash, credit or debit card, gift card, mobile payments, or other payments Wawa accepts.

3. These numbers represent the total number of individual transactions using all payment methods inside Wawa stores and at Wawa fuel pumps during January 2021. Visitors to Wawa stores or fuel pumps who did not make transactions, as well as those who accompanied customers making transactions, are not included in these numbers. For example, a store visitor using one of the free automated teller machines in our stores or using our restrooms without making a purchase would not be counted in these numbers.

4. Historically, the number of customer transactions at Wawa during the month of January is lower than the number of customer transactions at Wawa during other months.

5. If signs regarding the consumer settlement are posted during a four-week period in March or April 2021, it is likely that more than 64 million Wawa customers will see them.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 16, 2021



Timothy O'Brien